

Previous references.

191
(Sep Rev).

File No. 36-92
Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Major ~~Part~~ B. for June 94.

SUBJECT

Proposal to amend the opium act of 1878.

From the Excise Comm. Dy No 11143
Letter No 5247 of 31-3-93. R. 2779

Submits a draft ³¹⁸notice to amend the opium
act No 1 of 1878 as extended to Mysore.

2. To the Excise Comm
No 5133 of 18-9-93

R. F. 34-92
Requests to put up a revised draft and
explain the objects and reasons of the
amendments proposed

G. R. S. 58

from. The Excise Comm.

By No 4493 . No 1195 Q 29.7.93.
Q 1063 143

Proposes that a notice may be published to the effect that in all acts, Rules, and Regulations now in force the words, "Chief Comm. shall denote the Govt of H. H. The Maharaja of Mysore"

4 To. The Excise Comm.

No 234000 Q 28.6.94

Invites the attention of the Ex Comm. to Notice No 153 Q 2.9.1881 & informs that special legislation does not appear to be necessary.

Enders

R. M. M. S. S.

CP 36.7 92

SECTION <u>5.2</u>
FILE No. <u>36.7.2</u>
SERIAL No. <u>X</u>

(1)
CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Proposal to amend the
Opium Act No. 1 of 1878
as extended to Mysore in
1879.

LAST REFERENCE.

Letter No. 1195 dated 29th Sept 93
143

from The Excise Commr in Mysore
stating that no regulation to amend the
Act is called for =

* vide his no 5247 D
318
31-3-92 (5)

* vide Act. (1)

The Excise Commr submitted
a draft Regulation to amend
the Opium Act so as to
adapt it to the present
administration.

2. The Excise Commr says
that "as the cultivation of
the Poppy & manufacture
of opium have been
absolutely prohibited
in the province since the
Enactment, the words "(a)

"Cultivate ~~the~~ poppy" & (b)
manufacture opium" in
Sec 4, and (a) the Cultivation
of the poppy" & (b) the manu-
facture of opium" in Sec 5
may be omitted, or the
words "with the previous
Sanction of the Governor
General in Council" in
Sec 5 should be retained
with reference to Art 18⁽³⁾ of
the "Instrument of Transfer".

3. In reply Govt observed
that there seemed no need
for the proposed amendment.
Vide para 18 of the Instrument
of Transfer & Govt note No
153 D/2^x 12 Sept 81, as the
Cultivation of poppy was
not absolutely prohibited
under the existing law. The
Excise Commr was ~~also~~
also requested to submit

Vide No 5133 D/18th Sept 93
R.F. 341-92
(6)

x Paper No (3)

x (4)

3

a revised draft
to explain the objects & reasons
of the proposed amendments.

4. The Excise Commr now
withdraws his proposal for
a draft Regulation to amend
the Act, but proposes that
a notification may be pub-
lished to the effect that
in all Acts, Rules & Regulations
now in force, the words -
"Chief Commr of Mysore"
shall denote the "Govt of H.
H. the Maharajah of Mysore"

5. The reason assigned by
the Excise Commr is as follows:-

(a) By para 5 of the Govt
of India note No 93 I-R
of 21st Nov/79 introducing
the Opium Act into Mysore,
it was ordered that the
"Chief Commr of Mysore" should
be substituted for the words
"S. & C. Commr" and therefore

* Paper No 2.

(6) The Mysore Govt note
no 153 of 2nd Sept/81 does
not refer to the words "Chief
Commr of Mysore", though it
was a notification meant
for substituting the words
"the Govt of H. H. the Maha-
-Rajah of Mysore" for those
of "Local Govt" & of similar
import.

Paper 9104.

6 The Excise Commr is
of opinion that the words
"Chief Commr of Mysore" are
not modified yet, but
it is a point for con-
sideration & he does whether
words of similar import
were not ~~before~~ amended
by the note no 153 of 2nd
Sept 81.

Paper 9104.

Submitted for

16/11/93 In reply the attention of the
Excise Commr will be drawn to note no 153 of 2nd Sept 81 &
be info that in the opinion of Govt special leg-
liser Mr. Shabbear & Messrs
23/6 23/6/94

M
Gaut

5

Note

by Mr J. G. Mc Donnell,
Special Asst Excise Commr
on the Excise Commr's proposal
to amend the Opium Act

At the time of the Rendition
in 1881 all laws in force & Rules
having the force of Law in the
Said Territories when His Highness
the Maharajah was placed
in possession thereof, as shown
in the schedule annexed to
Condition 19 of the Deed of
Transfer, was enjoined by the
Paramount Power to be main-
-tained and ^{efficiently ad-}
ministered to ~~efficiently administered~~
by His Highness the Maharaja

2. Practically all important
rules now promulgated are
issued in the name of the
Govt of His Highness the
Maharajah by His
Excellency the Dewan

3. It is legally immaterial

White Paper
1881

whether the allusion to a
defunct authority in the body
of such laws is allowed to
remain there pro: tem When
the Compendium of Laws for
Mysore is compiled, any
changes of the stamp indicated
can be effected. I believe this
is being done now.

4 May the Excise Comm^r
be told so? J. C. S.

9/6/94

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To the Chief Secy.

Extract of Instrument of Transfer
On the 5th March 1881.-

Laws and Settlements.

19. All laws in force and rules having the force of law in the said territories when the Maharaja Chaurapendra Wadier Bahadur is placed in possession thereof, as shown in the schedule hereto annexed, shall be maintained and efficiently administered, and except with the previous consent of the Governor-General in Council, the Maharaja of Mysore shall not repeal or modify such laws, or pass any laws or rules inconsistent therewith.

This may be sent to the
Legislative Secy for opinion.
Submitted for orders.

SECTION	From
FILE NO.	The Vice Commissioner in Mysore
SERIAL No.	To
	The Chief Secretary to the Dewan of Mysore.

Dated 3/21

Despatched do March 1893

Received

Enclosures No. 2

General No. 5247

No. 318

In reply to

SUBJECT.

Submits a draft Regulation
to amend the Opium Act No. I
of 1878, as extended to Mysore
under the Government of India
Notification No. 931-R, dated
21st November 1879, so as to
adapt it to the present ad-
ministration, together with
a copy of the Act, the necessary
modifications as per above
notification, being made.

Rev. Mr. -
1st April 1893

References (to be entered only in the
Dewan's Office).

To the same No 5133 21/87
24341-92

Extract of para 18 from
the Instrument of Transfer
dated 25th March 1881

and copy of Mufn No 153

dated 2nd September 1881

are herewith submitted

to show that the modifications

proposed are not quite

correct. - Some under

the heading of the

instrument.

15/6

Submitted. There seems

to be no need for the amendments

herewith proposed. Under the

existing law, the cultivation

of Poppy is not absolutely

prohibited. - Mr.

19/6

Call for further explanation

of the objects of the amendments proposed.

15/6/93

N^o 5247
318

(Encl: 2-)

Excise Commissioner's Office

Bangalore, dated 31st March
1893

From
The Excise Commissioner
in Mysore

To
The Chief Secretary to the Dewan
of Mysore

Sir,

I have the honor to state that, for obvious reasons, the Opium Act No. I of 1878 as extended to Mysore under the Government of India Notification No. 93 I-R, dated 21st November 1879, requires to be amended. A copy of the Act is herewith enclosed, the modifications as per above Notification, being made in red ink.

2. A draft of the proposed Regulation to Amend the Act so as to adapt it to the present Administration, is also herewith submitted

3 The

3. The omission of the words.

"(a) cultivate the poppy" and "(b) manufacture opium" in section 4, and "(a) the cultivation of the poppy" and "(b) the manufacture of opium" in section 5 is proposed as the cultivation of the poppy and manufacture of opium have been absolutely prohibited in the province since the Rendition. If these words are retained, the words "with the previous sanction of the Governor-General in Council" in section 5 should be retained with reference to article 18 of the "Instrument of Transfer."

4. On the introduction of the proposed Opium Regulation, a draft of the revised Opium Rules for approval and publication will be submitted.

I have the honor to be,

Sir,

Your most obedient servant

I. M. Pitts

Excise Commissioner
in Mysore -

N^o 5247
318 Excise Commissioner's Office
(Encls: 2-) Bangalore, dated 31st March
1893

From
The Excise Commissioner
in Mysore

To
The Chief Secretary to the Dewan
of Mysore

Sir,

I have the honor to state that, for obvious reasons, the Opium Act No. I of 1878 as extended to Mysore under the Government of India Notification No. 93 I-R, dated 21st November 1879, requires to be amended. A copy of the Act is herewith enclosed the modifications as per above Notification, being made in red ink.

2. A draft of the proposed Regulation to Amend the Act so as to adapt it to the present Administration, is also herewith submitted.

3 The

4-211
by Enactment
Regulation of 1893. }

The following Regulation received the assent of His Highness the Maharaja of Mysore on the day of 1893, and is hereby promulgated for general information.

A Regulation to amend the law relating to opium in the Territories of Mysore.

Whereas it is expedient to amend the opium Act No. 1 of 1878, as extended to the Territories of Mysore, under the Government of India Notification No. 931-R, dated 21st November 1879, His Highness the Maharaja is pleased to enact as follows:-

I. This Regulation shall be called "The opium Regulation of 1893", and it shall come into force on the 1st day of July 1894.

II. For the words "Chief Commissioner of Mysore" in Sections 3, 5, 7, 8, 12, 13, 14, 19, 22 and 24, read "Government of His

Highest the Maharaja

III.

In Section 4, omit the words
"(a) cultivate the poppy" and "(b) manu-
-facture of opium"; in sections 5, 8 and
13 the words - "with the previous sanc-
-tion of the Governor-General in
Council", and in Section 5 the words -
"(a) the cultivation of the poppy" and
"(b) the manufacture of opium

Sheth
Excise Commissioner
in Mysore

Notification.

5

N^o 153. of 2nd September 1881

In all Acts, Rules and Regulations now in force in Mysore, the expressions "The Govt. of India," "The Governor-General of India in Council" and "Local Govt." shall denote "The Government of His Highness the Maharaja of Mysore."

Sd/- R. Vijayendra Prasad
Secretary

Copy

Instrument of Transfer
of 25th March 1881
Monopolies

18. The Maharaja of Mysore shall comply with the wishes of the Governor-General in Council in the matter of prohibiting, or limiting the manufacture of Salt and Opium, and the Cultivation of Poppy, in Mysore; also in the matter of giving effect to all such regulations as may be considered proper in respect of the export and import of Salt, Opium, and Poppy heads.

Extract

B.S.

Government of India
Foreign Department
Notification
Revenue

Simla the 21st November 1879.

- No 93. L. R. The Governor General in Council is pleased to extend Act No I of 1878 (The Opium Act 1878) to Mysore, subject to the modifications hereinafter specified:-
- 1 For the last two clauses of section one the following clause shall be ~~substituted~~ substituted: and it shall come into force in Mysore on the 1st day of April 1880.
 - 2 Section two and the last paragraph of section twenty two shall be omitted.
 - 3 In section three in the definition of "Magistrate" the words "In the presidency towns a presidency magistrate and elsewhere" shall be omitted.
 - 4 In section twelve in the third paragraph the words "Collector of the District or in sections nineteen and twenty four the words Collector Deputy Collector or other" and the words Collector Deputy

"Actor or other" shall be omitted

For the words the "Local Government"
"Local Government" "the same Local
Government" "Such Government" and

"Local Government" wherever they
occur and for the words "British India"

Section Six the words the Chief
Commissioner of Mysore and Mysore
respectively shall be submitted.

Signed A. C. Lyall
Secy to the Govt. of India

ACT No. I OF 1878.

9

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor-General
on the 9th January 1878.)*

THE OPIUM ACT, 1878.

CONTENTS.

PREAMBLE.

DS.

1. Short title.
Local extent.
Commencement.
2. Repeal of enactments.
Amendment of Acts.
Amendment of Act VII of 1836, S. 1.
3. Interpretation-clause.
4. Prohibition of poppy-cultivation and possession, &c.,
of opium.
5. Power to make rules to permit such matters.
6. Duty on opium imported by land.
7. Warehousing opium.
8. Power to make rules relating to warehouses.
9. Penalty for illegal cultivation of poppy, &c.
10. Presumption in prosecutions under Section 9.
11. Confiscation of opium.
12. Order of confiscation by whom to be made.
13. Power to make rules regarding disposal of things
confiscated and rewards.
14. Power to enter, arrest, and seize, on information that
opium is unlawfully kept in any enclosed place.

Sections.

15. Power to seize opium in open places.
Power to detain, search, and arrest.
16. Searches how made.
17. Officers to assist each other.
18. Vexatious entries, searches, seizures, and arrests.
19. Issue of warrants.
20. Disposal of person arrested or thing seized.
21. Report of arrests and seizures.
22. Procedure in case of illegal poppy-cultivation.
23. Recovery of arrears of fees, duties, &c.
24. Farmer may apply to Collector or other officer to
recover amount due to him by licensee.
25. Recovery of penalties due under bond.

SCHEDULE

An Act to amend the Law relating to Opium.

WHEREAS it is expedient to amend the law relating
to opium; It is hereby enacted as
Preamble. follows:—

1. This Act may be called "The Opium Act, 1878."

Short title.

It shall extend to such local areas as the Governor-
General in Council may, by notification
in the *Gazette of India*, from time to
time direct;

Local extent.

And it shall come into force in each of such areas
on such day as the Governor-General
in Council in like manner directs in
this behalf.

Commencement.

2. The enactments mentioned in the schedule here-
to annexed shall be repealed to the
extent specified in the third column of
the said schedule:

Repeal of enactments.

And in Acts No. XI of 1849, No. XXI of 1856,
 Amendment of Act. and No. X of 1871, and in Bengal
 Act No. II of 1876, the words "in-
 toxicating drugs" (wherever they occur) shall not include
 opium.

The reference made to Bombay Regulations XXI of
 Amendment of Act 1827 and XX of 1830 in Act No. VII
 VII of 1836, s. 1. of 1836 shall be read as if made to the
 corresponding sections of this Act.

3. In this Act, unless there be something repugnant
 Interpretation-clause. in the subject or context—

"Opium" includes also poppy-heads, preparations or
 admixtures of opium, and intoxicating
 "Opium." drugs prepared from the poppy :

"Magistrate" means, in the Presidency towns, a Pre-
 sidency Magistrate, and elsewhere a
 "Magistrate." Magistrate of the first class or (when
 specially empowered by the local Government to try
 cases under this Act) a Magistrate of the second class :

"Import" means to bring into the territories admin-
 istered by any local Government
 "Import." from sea, or from foreign territory,
 or from a territory administered by any other local Gov-
 ernment :

"Export" means to take out of the territories admin-
 istered by any local Government to
 "Export." sea, or to any foreign territory, or to
 any territory administered by another local Govern-
 ment :

"Transport" means to remove from one place to
 another within the territories adminis-
 "Transport." tered by the same local Govern-
 ment. Chief Commissioner of Mysore.

4. Except as permitted by this Act, or by any other enactment relating to opium for the time being in force, or by rules framed under this Act or under any such enactment, no one shall—

Prohibition of poppy-cultivation and possession, &c., of opium.

- (a) cultivate the poppy ;
- (b) manufacture opium ;
- (c) possess opium ;
- (d) transport opium ;
- (e) import or export opium ; or
- (f) sell opium.

5. ^{Chief Commissioner of Mysore} The local Government, with the previous sanction of the Governor-General in Council, may, from time to time by notification in the local Gazette, make rules consistent with this Act, to permit absolutely or subject to the payment of duty or to any other conditions and to regulate within the whole or any specified part of the territories administered by such Government, all or any of the following matters :—

Power to make rules to permit such matter.

- (a) the cultivation of the poppy ;
- (b) the manufacture of opium ;
- (c) the possession of opium ;
- (d) the transport of opium ;
- (e) the importation or exportation of opium ; and
- (f) the sale of opium, and the farm of duties leviable on the sale of opium by retail :

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to sea customs for the time being in force or under Section 6.

6. The Governor-General in Council may from time to time, by notification in the *Gazette of India*, impose such duty as he thinks fit on opium or on any kind of opium imported by land into British India or into any specified part thereof, and may alter or abolish any duty so imposed.

Duty on opium imported by land.

7. The Governor-General in Council may, by order notified in the *Gazette of India*,
 Warehousing opium.

(a) authorize ^{the Chief Commissioner of Mysore} ~~any local Government~~ to establish warehouses for opium legally imported into, or intended to be exported from, the territories administered by such ~~local Government~~, and

(b) cancel any such order.

So long as such order remains in force, the ~~local Government~~ ^{Chief Commissioner} may, by notification published in the official ^{and issued} Gazette,

(c) declare any place to be a warehouse for all or any opium legally imported, whether before or after the payment of any duty leviable thereon, into the territories administered by such ~~Government~~ ^{Chief Commissioner}, or into any specified part thereof, or intended to be exported thence, and

(d) cancel any such declaration.

An order under Clause (b) shall cancel all previous declarations under Clause (c) of this section relating to places in the territories to which such order refers.

So long as such declaration remains in force, the owner of all such opium shall be bound to deposit it in such warehouse.

8. ^{Chief Commissioner} The ~~local Government~~ with the previous sanction of the Governor-General in Council, may, from time to time by notification in the local Gazette, make rules consistent with this Act to regulate the safe custody of opium warehoused under Section 7; the levy of fees for such warehousing; the removal of such opium for sale or exportation; and the manner in which it shall be disposed of, if any duty or fees leviable on it be not paid within twelve months from the date of warehousing the same.

Power to make rules relating to warehouses.

9. Any person who, in contravention of this Act,
 or of rules made and notified under Sec-
 tion 5 or Section 8,
 Penalty for ille-
 gal cultivation of
 poppy, &c.

- (a) cultivates the poppy, or
- (b) manufactures opium, or
- (c) possesses opium, or
- (d) transports opium, or
- (e) imports or exports opium, or
- (f) sells opium, or
- (g) omits to warehouse opium or removes or does
 any act in respect of warehoused opium,
 and any person who otherwise contravenes any
 such rule,

shall, on conviction before a Magistrate, be punished
 for each such offence with imprisonment for a term which
 may extend to one year, or with fine which may extend
 to one thousand rupees, or with both ;

and, where a fine is imposed, the convicting Magis-
 trate shall direct the offender to be imprisoned in default
 of payment of the fine for a term which may extend to
 six months, and such imprisonment shall be in excess of
 any other imprisonment to which he may have been
 sentenced.

10. In prosecutions under Section 9, it shall be
 presumed, until the contrary is proved,
 that all opium for which the accused
 person is unable to account satisfacto-
 rily is opium in respect of which he
 has committed an offence under this Act.

11. In any case in which an offence under Section 9
 has been committed—
 Classification of opium.

- (a) the poppy so cultivated ;
- (b) the opium in respect of which any offence under
 the same section has been committed ;

(g) where, in the case of an offence under Clause (d) or (e) of the same section, the offender is transporting, importing, or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import, or export, as the case may be, the whole of the opium which he is transporting, importing, or exporting;

(d) where, in the case of an offence under Clause (f) of the same section, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages, and coverings in which any opium liable to confiscation under this section is found, and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals and conveyances used in carrying it, shall likewise be liable to confiscation.

12. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted, but the Magistrate decides that the opium is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the officer ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence against this Act has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be

inquired into and determined by the ~~Collector of the District or Deputy Commissioner~~, or by any other officer authorized by the ~~local Government~~ ^{local Government} in this behalf, either personally or in right of his office, who may order such confiscation: Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons (if any) claiming any right thereto and the evidence (if any) which they produce in support of their claims.

13. The ~~local Government~~ may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local Gazette, make rules consistent with this Act to regulate—

Power to make rules regarding,

disposal of things confiscated,

and rewards.

(a) the disposal of all things confiscated under this Act; and

(b) the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act.

14. Any officer of any of the departments of Excise, Police, Customs, Salt, Opium, or Revenue, superior in rank to a peon or constable, who may in right of his office be authorised by the ~~local Government~~ ^{local Government} in this behalf, and who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation under this Act is manufactured, kept, or concealed in any building, vessel, or enclosed place, may, between sunrise and sunset,

- (a) enter into any such building, vessel, or place ;
- (b) in case of resistance, break open any door and remove any other obstacle to such entry ;

(c) Seize such opium and all materials used in the manufacture thereof, and any other thing which he has reason to believe to be liable to confiscation under Section 11 or any other law for the time being in force relating to opium, and

(d) detain and search, and if he think proper arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force.

15. Any officer of any of the said departments may
 Power to seize opium in open places.

(a) seize, in any open place or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under Section 11 or any other law for the time being in force relating to opium,

(b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has opium in his possession, arrest him and any other persons in his company.
 Power to detain, search, and arrest.

16. All searches under Section 14 or Section 15 shall be made in accordance with the provisions of the Code of Criminal Procedure.
 Searches how made.

17. The officers of the several departments mentioned in Section 14 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.
 Officers to assist each other.

18. Any officer of any of the said departments who, without reasonable ground of suspicion, enters or searches, or causes to be entered or searched, any building, vessel, or place,

Vexatious entries, searches, seizures, and arrests.

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches, or arrests any person,

shall for every such offence be punished with fine not exceeding five hundred rupees.

19. The Collector of the District, Deputy Commissioner or other officer authorized by the local Government in this behalf, either personally or in right of his office, or a Magistrate, may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to opium, or for the search, whether by day or night, of any building, or vessel, or place in which he has reason to believe opium liable to confiscation to be kept or concealed.

Issue of warrants.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure.

20. Every person arrested, and thing seized, under Section 14 or Section 15, shall be forwarded without delay to the officer in charge of the nearest Police-station; and every person arrested and thing seized under Section 19 shall be forwarded without delay to the officer by whom the warrant was issued.

Disposal of person arrested or thing seized.

Every officer to whom any person or thing is forwarded under this section shall, with all convenient des-

patch, take such measures as may be necessary for the disposal according to law of such person or thing.

21. Whenever any officer makes any arrest or seizure under this Act, he shall within forty-eight hours next after such arrest or seizure make a full report of all the particulars of such arrest or seizure to his immediate official superior.

22. In the case of alleged illegal cultivation of the poppy, the crop shall not be removed, but shall, pending the disposal of the case, be attached by an officer superior in rank to a peon or constable, who may in right of his office be authorized by the ^{Local} Government in this behalf; and such officer shall require the cultivator to give bail in a reasonable amount (to be fixed by such officer) for his appearance before the Magistrate by whom the case is to be disposed of, and such cultivator shall not be arrested unless within a reasonable time he fails to give such bail:

Provided that, wherever Act No. XIII of 1857 (*An Act to consolidate and amend the Law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal*), or any part thereof, is in force, nothing in this section shall apply to such cultivation.

23. Any arrear of any fee or duty imposed under this Act or any rule made hereunder,

and any arrear due from any farmer of opium-revenue,

may be recovered from the person primarily liable to pay the same to the Government or from his surety (if any) as if it were an arrear of land-revenue.

24. When any amount is due to a farmer of opium-revenue from his licensee, in respect of a license, such farmer may make an application to the ~~Collector of the District~~, Deputy Commissioner, or other officer authorized by the local Government in this behalf, praying such officer to recover such amount on behalf of the applicant; and on receiving such application, such ~~Collector, Deputy Commissioner, or other officer~~ may in his discretion recover such amount as if it were an arrear of land-revenue, and shall pay any amount so recovered to the applicant:

Provided that the execution of any process issued by such ~~Collector, Deputy Collector, or other officer~~ for the recovery of such amount, shall be stayed if the licensee institutes a suit in the Civil Court to try the demand of the farmer and furnishes security to the satisfaction of such officer for the payment of the amount which such Court may adjudge to be due from him to such farmer:

Provided also that nothing contained in this section or done thereunder shall affect the right of any farmer of opium-revenue to recover by suit in the Civil Court or otherwise any amount due to him from such licensee.

25. When any person in compliance with any rule made hereunder gives a bond for the performance of any duty or act, such duty or act shall be deemed to be a public duty or an act in which the public are interested, as the case may be, within the meaning of the Indian Contract Act, 1872, Section 74, and upon breach of the condition of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him as if it were an arrear of land-revenue.

Recovery of penalties due under bond.

SCHEDULE.

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and Year.	Subject.	Extent of Repeal.
Act XI of 1849 ...	Abkari Revenue of Calcutta ...	In Section 5, the word "opium." In Section 6, the word "opium" and the last thirty-one words. In Section 15, from and including the words "except in the case," to the end of the section. In Section 33, from and including the words "except opium" down to and including the words "each seer," and the words "or in the case of opium as aforesaid, a reward of one rupee eight annas for each seer."
Act III of 1852 ...	Spirituous liquors, Bombay ...	Section 10, so far as it relates to opium.
Act XXI of 1856...	Bengal Abkari Act	In Section 28, the word "opium." Sections 34, 51, 52, 53 and 87. In Section 35, the words "or opium." In Section 49, the words "except opium." Section 59, so far as it relates to opium.

Number and Year.	Subject.	Extent of Repeal.
Act XIII of 1857...	Cultivation of the poppy and manufacture of opium..	In Section 75, the words "except opium" and from and including the words "opium seized" down to the end. In Section 76, ~~from~~ and including the words "except opium" down to and including the words "each seer;" and from and including the words "or in" down to, and including the words "each seer." In paragraph 8 of Section 90, the words "and opium" Section 2.
Act X of 1871 ...	The Northern India Excise Act ...	In paragraph 5 of Section 3, the word "opium." Sections 18, 65, 66, 67, and 87. In Section 19, the words "or opium." Section 46, so far as it relates to opium. In Section 46, paragraph 3, from and including the words "as well as" down to and including the words "dealings in opium." In Section 63, the words "except opium." In Section 78, the words "except opium," and paragraph 2.

Number and Year.	Subject.	Extent of Repeal.
		In Section 79, from and including the words "except opium" down to and including the words "each seer," and from and including the words "or in" down to and including the words "each seer."
Act IV of 1872 ...	The Punjab Laws Act ...	Section 49.
Act XXV of 1872	Punjab Opium Law Amendment ...	The whole Act.
Act VI of 1873 ...	Transshipment of goods ...	Section 7.
Act XVI of 1875	The Indian Tariff Act ...	Section 9.
Act XXIII of 1876	To amend the Law relating to Opium.	The whole Act.
Act VI of 1877 ...	For postponing the day on which the Opium Act, 1876, is to come into force.	The whole Act.

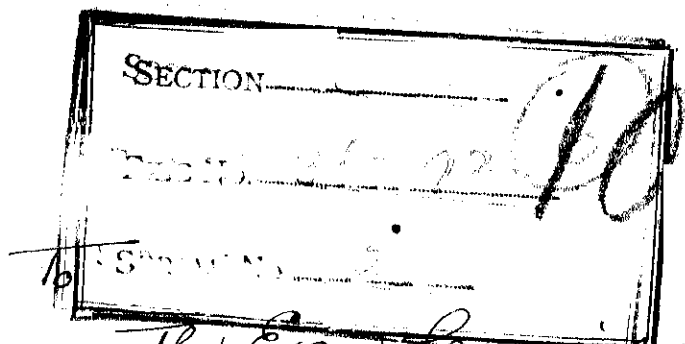
ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL
IN COUNCIL.

Number and Year.	Subject.	Extent of Repeal.
Act II of 1876 ...	To amend Act XI of 1849, Act XXI of 1856, and Act IV (B. C.) of 1866	In Section 3, in the section substituted for Section 33 of Act XI of 1849, the words "except opium," and from and including the words "confiscated opium" down to and including the words "general order."

Number and Year.	Subject.	Extent of Repeal.
		In Section 3, in the section substituted for Section 34 of Act XI of 1849, the words "except in the case of opium," and from and including the words "and in the case of opium" down to and including the words "similarly distributed." In Section 10, in the section substituted for section 75 of Act XXI of 1856, the words "except opium," and from and including the words "confiscated opium" down to and including the words "general order." In Section 10, in the section substituted for Section 76 of Act XXI of 1856, the words "except in the case of opium," and from and including the words "and in the case of opium" down to and including the words "similarly distributed."

BOMBAY REGULATIONS.

Number and Year.	Subject.	Extent of Repeal.
Bombay Regulation XXI of 1827 ...	Duty on opium ...	The preamble, from and including the words "with the combined" down to and including the words "the prohibited." Chapters I, II, III and IV.
Bombay Regulation XX of 1830 ...	Malwa opium ...	So much as has not been repealed.



The Excise Commissioner
in Mysore.

Df. ¹⁸/₂₀ September 1893.

No. ⁵¹³³/_{R.7.341-92.}

His letter N^o ⁵²⁴⁷/₃₁₈ of
31st March 1893. submit-
ting a draft Regulation
to amend the Opium
Act N^o I of 1878 as
extended to Mysore

Has the honor in
reply to observe that
there seems to be no
need for the amend-
ment proposed in
the above. Under
the existing law, the
cultivation of Poppy
is not absolutely
prohibited

vide para 18 Instrument
of transfer & n.h.p.
no 153 of 2 Sept 1881.

Under Secretary

(General Serial No. 30.)

189

prohibited ~~to~~

From

Excise Commissioner

To

is ~~however~~ requested
to ~~submit~~ ^{submit} a ~~report~~ ^{report} &
to explain the objects

and reasons of the

Dated

amendments proposed.

Despatched

BO

Received

~~MS~~ Blep

Enclosures No.

General No.

No.

aka
17/9.

Ch. L. C.

1893

4493

2

SECTION	From
SER	

The Excise Commissioner
in Mysore.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 29th September 1893

Despatched 30th

Received

Enclosures No.

General No. 1195
No. 143

In reply to Chief Secretary's Docket
No: 5133, SUBJECT Dated 18th to 20th
September 1893, states that under the
circumstances herein explained, it
appears necessary that, instead of
the Regulation proposed to amend the
Opium act, a Notification should
be published to the effect that in all
Acts, Rules and Regulations now in
force in Mysore, the words "Chief
Commissioner of Mysore" or "Chief
Commissioner" shall denote the
Government of His Highness the
Maharaja of Mysore.

References (to be entered only in the
Dewan's Office).

To

The Same No 23400 - 2 28/6/94
27/12-93 done J. H. H.

12

Inbd. This has been
M. H.
Affirmed 30/8
22/8/11

No 1195
143

Excise Commissioner's Office
Bangalore Dated 29th September,
70

From

The Excise Commissioner
in Mysore

To
The Chief Secretary to the Dewan
of Mysore

Sir,

In reply to your docket ^{No 5133}~~No 4341-92~~,
dated 18th September 1893, I have the honor
to state that by para 5 of the Government
of India notification No 93 I-A, dated 21st
November 1879, introducing the opium
act into Mysore, it was ordered that
the words "Chief Commissioner of Mysore"
should be substituted for the words -
"Local Government," so that the
words "~~Chief~~ Commissioner of Mysore" now
exist in the Mysore opium act, as
well as in the Rules framed under it
But in the Mysore Government notification

No. 153, dated 22 September 1881, referred to
in the docket under reply, no allusion
is made to the words "Chief Commissioner
of Mysore" under such circumstances
it appears necessary that, instead of the
regulation proposed by me to amend
the Act, a notification should be pub-
lished by the Mysore Government to
the effect that in all Acts, Rules and
Regulations now in force in Mysore,
the words, "Chief Commissioner of Mysore"
or "Chief Commissioner" shall denote
the Government of His Highness the
Maharaja of Mysore."

I have the honor to be,
Sir,
Your most obedient servant.

I am, Sir,
Excise Commissioner
in Mysore

H. C.

SECTION:

23/6/94

The Excise Commissioner
in Mysore

No. 23400
R 7.112-93

D. 28 June 1894
2-7

Correspondence ending with his
letter N^o 1195 dated 29th Sept^r
1893, proposing that a Notifica-
tion may be published to the
effect that in all Acts, Rules
& Regulations now in force,
the words "Chf. Comt. of Mysore"
shall denote the "Govt. of
H. H. The Maharaja of Mysore."

In reply, the attention of
the Excise Commt. is drawn
to Notification N^o 153 dated
2nd Sept^r 1881, and is also in-
formed that, in the opinion
of Govt., special legislation
does not appear to be
necessary.

B.O.
23/6
Chf. Secy

23/6/94